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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,667

11/15/2001

Naruto Entani

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7590 09/06/2007
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

CHANDLER, SARA M

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

09/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/987,667

Applicant(s)

ENTANI, NARUTO

Examiner

Sara Chandler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for continued examination of application 09/987,667 (11/15/2001) filed on 07/09/07.

Claim Interpretation

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result (e.g., "for _____"), but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result (e.g., "for _____"), but does not result in a

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structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as "*if, may, might, can could*", as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as "*wherein, whereby*", that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

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inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

Information Disclosure Statement

The information disclosure statement filed 07/09/07 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it fails to provide a concise explanation of the relevance for the references listed that are not in the English language. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

Claims 1,8 and 15 are objected to because of the following informalities:

Claims 1 and 8 recite, "collecting pieces of selling price information that are received from part of said plurality of information provider terminals in response to the information request and match the information request, and generating collected selling price information that matches the information request,".

The language is awkward should this be:

-- collecting selling price information received from said plurality of information provider terminals in response to the information request that matches the information request,

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and generating collected selling price information that matches the information request,

--.

Claim 1 and 8 recite, "performing processing for paying a prescribed informer fee to the part of said plurality of information provider terminals that provided the pieces of selling price information that match the information request."

The language is awkward should this be:

-- calculating payment for a prescribed informer fee for the plurality of information provider terminals that provided the selling price information that matches the information request. --

Also address comparable issues in claim 15.

The above recited comments provide suggestions. Comparable language that resolves the 112 and objection problems is also sufficient.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 8: "performing processing" is unclear. Is this something that needs to be done by a processor? Would the suggested language supra be better?

Claims 2 and 9 recite, "causing them to clarify their identities". Are you presenting an id, password etc.?

Claims 2 and 9 recites, "identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem". The limitations meaning is unclear.

Re claims 3 and 10: It is unclear what "a problem" is? Interpreted as keeping history of an information provider and disclosing that history.

Re Claims 4 and 11: Should this be, "A selling price information mediation service method according to claim 1, wherein the selling price information includes information of a limit selling price of the commodity, and further comprising supplying said information requester terminal with selling price information including selling prices and wherein each selling price is at most the limit selling price."? The claim is indefinite because there is no antecedent basis for "request information" and the language is awkward.

Re Claims 5 and 12: Should this be, "A selling price information mediation service method according to claim 1, wherein the selling price information includes information indicating a restrictive area where an information requester at said information requester terminal can buy the commodity, and further comprising supplying said information requester terminal selling price information of stores located in the restrictive area."? The claim is indefinite because there is no antecedent basis for "request information" and the language is awkward.

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Re Claims 6 and 13: The meaning of the claim is indefinite and the meaning unclear. Is part of limitation occurring before payment of the prescribed information supply fee (e.g., the part excluding information about the stores) and is part of the limitation occurring after payment of the prescribed information supply fee.

Re Claims 7 and 14: Should this be, "A selling price information mediation service method

according to claim 1, further comprising calculating payment for the prescribed informer fee for the information provider terminals that provided selling price information comprising the lowest selling prices after selling the collected selling price information to said information requester terminal.

The above recited comments provide suggestions. Comparable language that resolves the 112 and objection problems is also sufficient.

Also address comparable issues in claim 15.

Dependent claims are further rejected based on the same rationale as the claims from which they depend.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 5-8 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grdina, US Pat. No. 6,965,872 in view of Aarnio, US Pub. No. 2004/0078274.

Re Claims 1: Grdina discloses a method comprising the steps of:

receiving, from an information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request directly to a plurality of information provider terminals (Grdina, abstract; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30);

collecting pieces of selling price information that are received from part of said plurality of information provider terminals in response to the information request and match the information request, and generating collected selling price information that matches the information request (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30);

supplying the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28;);

and performing processing for paying a prescribed informer fee to the part of said plurality of information provider terminals that provided the pieces of selling price

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information that match the information request (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose a method comprising the step of:
charging said information requester terminal a prescribed information supply fee and mediation commission.

Aarnio discloses a method comprising the step of:
charging said information requester terminal a prescribed information supply fee and mediation commission (Aarnio, abstract, Fig. 3; [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina by adopting the teachings of Aarnio to provide a selling price information mediation service method for mediating and supplying, selling price information which includes selling prices of a commodity in respective stores and information about the respective stores, over a network, the method comprising: receiving, from an information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request directly to a plurality of information provider terminals; collecting pieces of selling price information that are received from part of said plurality of information provider terminals in response to the information request and match the information request, and generating collected selling price information that matches the information request;

supplying the collected selling price information to said information requester terminal, and charging said information requester terminal a prescribed information supply fee and mediation commission;
and performing processing for paying a prescribed informer fee to the part of said plurality of information provider terminals that provided the pieces of selling price information that match the information request.

As suggested by Aarnio, one would have been motivated by profit to allow payment for services provided.

Re Claim 8: Grdina discloses a system comprising:

at least one information requester terminal which requests selling price information (Grdina, abstract, Figs. 1-16; col. 1, line 1+ - col. 18, line 13);

a plurality of information provider terminals, each of which provide selling price information for a retailer (Grdina, abstract, Figs. 1-16; col. 1, line 1+ - col. 18, line 13);

and

a management server which mediates selling price information (Grdina, abstract, Fig. 1, col. 6, line 20 – col. 7, line 19);

wherein the mediating selling price information comprises (Grdina, abstract, Figs. 1-16; col. 1, line 1+ - col. 18, line 13; “wherein” as used here is not further limiting. It fails to limit the system claim to a particular structure. See MPEP § 2106 II C):

receiving, from an information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request

directly to a plurality of information provider terminals (Grdina, abstract; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30);

collecting pieces of selling price information that are received from part of said plurality of information provider terminals in response to the information request and match the information request, and generating collected selling price information that matches the information request (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30);

supplying the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28;);

and performing processing for paying a prescribed informer fee to the part of said plurality of information provider terminals that provided the pieces of selling price information that match the information request (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose a system comprising:

charging said information requester terminal a prescribed information supply fee and mediation commission.

Aarnio discloses a system comprising:

charging said information requester terminal a prescribed information supply fee and mediation commission (Aarnio, abstract, Fig. 3; [0023]).

Intended Use: The claims make several intended use statements which do not carry patentable weight (e.g., "system for"; "a management server for"; " processing unit which performs processing for"). What follows the statement of intended use (i.e., "for") does not carry patentable weight. The claimed invention must result in a structural

difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina by adopting the teachings of Aarnio to provide a system for mediating and providing selling price information over a network, the system comprising:

at least one information requester terminal which requests selling price information;
a plurality of information provider terminals, each of which provide selling price information for a retailer; and

a management server which mediates selling price information;

wherein the mediating Selling price information comprises:

receiving, from an information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request directly to a plurality of information provider terminals;

collecting pieces of selling price information that are received from part of said plurality of information provider terminals in response to the information request and match the information request, and generating collected selling price information that matches the information request;

supplying the collected selling price information to said information requester terminal, and charging said information requester terminal a prescribed information supply fee and mediation commission;

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and performing processing for paying a prescribed informer fee to the part of said plurality of information provider terminals that provided the pieces of selling price information that match the information request.

As suggested by Aarnio, one would have been motivated by profit to allow payment for services provided.

Re Claim 15: Grdina discloses a management server comprising:

a receiving unit which receives an information request which requests selling price information about a commodity from at least one information requester terminal (Grdina, abstract; Figs. 1-16; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30),

a communication unit which communicates the information request directly to a plurality of information provider terminals (Grdina, abstract; Figs. 1-16; col. 3, lines 4-28; col. 3, lines 29-46; col. 6, lines 22-30);

a collecting unit which collects pieces of selling price information that are received from part of said plurality of information provider terminals and match the information request, and generates collected selling price information that matches the information request (Grdina, abstract; Figs. 1-16; col. 3, lines 29-46; col. 6, lines 22-30);

a supplying unit which supplies the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28;); and

a processing unit which performs processing for paying a prescribed informer fee to the part of said plurality of information provider terminals that provided the pieces of

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selling price information that match the information request (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose a system wherein the supplying unit charges said information requester terminal a prescribed information supply fee and mediation commission.

Aarnio discloses a system wherein the supplying unit charges said information requester terminal a prescribed information supply fee and mediation commission (Aarnio, abstract, Fig. 3; [0023]).

Intended Use: The claims make several intended use statements which do not carry patentable weight (e.g., "system for"; "a management server for"; " processing unit which performs processing for"). What follows the statement of intended use (i.e., "for") does not carry patentable weight. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina by adopting the teachings of Aarnio to provide a management server for mediating selling price information over a network, the management server comprising:

a receiving unit which receives an information request which requests selling price information about a commodity from at least one information requester terminal,

a communication unit which communicates the information request to a plurality of information provider terminals;

a collecting unit which collects pieces of selling price information that are received from part of said plurality of information provider terminals and match the information request, and generates collected selling price information that matches the information request;

a supplying unit which supplies the collected selling price information to said information requester terminal and charges said information requester terminal a prescribed information supply fee and mediation commission; and

a processing unit which performs processing for paying a prescribed informer fee to the part of said plurality of information provider terminals that provided the pieces of selling price information that match the information request.

As suggested by Aarnio, one would have been motivated by profit to allow payment for services provided.

Re Claims 5 and 12: Grdina in view of Aarnio discloses the claimed method/system supra and Grdina further discloses wherein the request information includes information indicating a restrictive area where an information requester at said information requester terminal can buy the commodity, further comprising the step of supplying said information requester terminal with only pieces of selling price information of stores located in the restrictive area (Grdina, abstract; col. 1, lines 24-27; col. 3, lines 4-11; col. 3, lines 42-46; col. 6, lines 22-30; col. 7, lines 25-28).

Re Claims 6 and 13: Grdina in view of Aarnio discloses the claimed method/system supra and Grdina further discloses supplying said information requester terminal with

part of the collected selling price information that excludes information about stores before supplying the collected selling price information to said information requester terminal (Grdina, abstract; col. 3, lines 29-46; col. 6, lines 22-30; col. 7, lines 25-28;).

Re Claims 7 and 14: Grdina in view of Aarnio discloses the claimed method/system supra and Grdina further discloses performing processing for paying a prescribed informer fee to only part of said information provider terminals that provided pieces of selling price information with some ones of a lowest selling price and prices close to it after selling the collected selling price information to said information requester terminal (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Claims 2,3,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Mandler, US Pat. No. 6,785,661.

Re Claims 2 and 9: Grdina in view of Aarnio discloses the claimed method/system supra and Grdina further discloses registering an information requester at said information requester terminal and information providers at said information provider terminals as members after causing them to clarify their identities (Grdina, abstract, Figs. 2,5,12; col. 8, lines 9-13; col. 8, lines 42-50; col. 12, lines 15-20; col. 12, lines 45-50).

Grdina fails to explicitly disclose identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem.

Mandler discloses identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem (Mandler, Figs. 1A, 1B, 2 col. 1, lines 27-65; col. 8, lines 4-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Grdina and Aarnio by adopting the teachings of Mandler to provide a selling price information mediation service method, wherein a selling price information mediating service employs a membership system, and said management server further comprises the steps of: registering an information requester at said information requester terminal and information providers at said information provider terminals as members after causing them to clarify their identities; and identifying a person who has caused a problem by distributing erroneous information upon occurrence of the problem.

As suggested by Mandler, one would have be motivated to accommodate users (e.g., information requestors, information providers, buyers, sellers etc.) that may be unfamiliar with one another in a transaction for purposes such as credit requirements, the ability effect a purchase and prior acts of nonperformance.

Re Claims 3 and 10: Grdina in view of Aarnio discloses the claimed method/system supra but fails to explicitly disclose keeping a history of an information provider who caused a problem and disclosing the history to said information requester terminal. Mandler discloses keeping a history of an information provider who caused a problem and disclosing the history to said information requester terminal (Mandler, Figs. 1A, 1B, 2 col. 1, lines 27-65; col. 8, lines 4-18). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the teachings Grdina and Aarnio by adopting the teachings of Mandler to provide a selling price information mediation service method, wherein said management server further comprises the step of keeping a history of an information provider who caused a problem and disclosing the history to said information requester terminal. As suggested by Mandler, one would have be motivated to accommodate users (e.g., information requestors, information providers, buyers, sellers etc.) that may be unfamiliar with one another in a transaction for purposes such as credit requirements, the ability effect a purchase and prior acts of nonperformance.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grdina and Aarnio as applied to claims 1 and 8 above, and further in view of Luke, US Pat. No. 6,131,087.

Re Claims 4 and 11: Grdina in view of Aarnio discloses the claimed method/system supra but fails to explicitly disclose wherein the request information includes information of a limit selling price of the commodity, and further comprising supplying said information requester terminal with only pieces of selling price information With selling prices each of that is at most the limit selling price. Luke discloses wherein the request information includes information of a limit selling price of the commodity, and further comprising supplying said information requester terminal with only pieces of selling price information with selling prices each of that is at most the limit selling price (Luke, Fig. 1a; abstract; col. 5, lines 53+ - col. 6, line 11; col. 6, line 56+ - col. 7, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to modify the teachings of Grdina and Aarnio by adopting the teachings of Luke to provide wherein the request information includes information of a limit selling price of the commodity, and further comprising supplying said information requester terminal with only pieces of selling price information With selling prices each of that is at most the limit selling price.

As suggested by Luke, one would have been motivated to make the shopping experience more efficient by making buyers, and consumers aware of discount pricing possibilities and options within their range.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive..

Applicant argues, Grdina fails to explicitly disclose communicating the information request directly to a plurality of information provider terminals.

The literal definition of "directly" is without anyone or anything that intervenes. The literal definition of "directly" conflicts with the idea of having the information providers and information requestors operate in a network environment as claimed. In other words, the information providers and information requesters are communicating with one another via the network. This interpretation is supported by Applicant's specification which states:

The above system configuration provides an environment in which the information requester terminal 102 and the information provider terminals 103 **can exchange data over the network 101 with the management server 104 serving as a mediator.** (Applicant's specification, pgs. 7-8)

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In Grdina the exchange of data is also occurring in a network environment. In this environment, retailers, their customers and competitors (i.e., the information requestor terminals and information provider terminals) may also exchange information.

The present invention establishes methods and procedures to **define, organize, collect, distribute, and maintain information** that can be **used by the owner of a business selling commodity-like goods/services as well s by its customers**. This information may include, but is not limited to, name brand of the product, location of the retailer, price of the product, other related goods/services available and their prices, and promotions. These **processes may be performed and implemented on a computer network** that is accessible in real time via a **suitable communication device, such as a computer, wireless communication device, telephone or the like**. (Grdina, col. 3, lines 4-15).

See also citations supra.

Conclusion

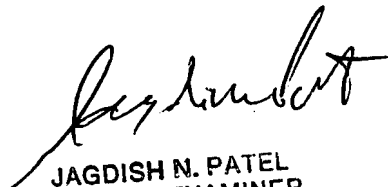
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC



JAGDISH N. PATEL
PRIMARY EXAMINER